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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,481	04/17/2001	Linda Marie Hartman	10633/13	8060
23838	7590	01/20/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2672	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,481

Applicant(s)

HARTMAN, LINDA MARIE

Examiner

Javid A Amini

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed November 05, 2003 have been fully considered but they are not persuasive.

- The Double Patenting and 35 U.S.C. 112, first paragraph rejection are removed.
- In response to applicant's argument on page 8, lines 14-28 of remarks that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Johnson in Fig. 2 step 102 illustrates the user interface that provides for inputting the individual customer information (at a first device see Fig. 1A computer component 1, a first overlay see Fig. 1B an electronic template) who is to receive a proposal or a quotation (request for proposal). The user may select "Customer Information" 176 from the main menu 170 of the selection device 101 (sending the first overlay to computer component 2 see Fig. 1A), as shown by step 20-1 in Fig. 20. In response, the selection device 101 preferably sends a load message to the Customer Form object 286, as shown by step 20-2 in Fig. 20. On receipt of the load message, the Customer Form object 286 displays itself in a window within the main window of the selection device 101. The Customer Form object 286 may request a pointer to the current proposal, as shown by step 20-3 in Fig. 20. The Customer Form object 286 typically requests from the current proposal a pointer to the Customer

Data object 136 for this proposal, as shown by step 20-4 in Fig. 20 (receiving at the first device a second overlay from the second device, the second overlay representing the responding proposal....).

- The motivation: Since Johnson' invention provides further advantages by allowing easy change of options. For example, if a particular type of computer component is no longer available for a particular computer, or renaming a particular template (for example: quotation form to RFP form), a user may simply change the stored picture or name for that component. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to customized, the name of particular form to a different name. The effect of mentioned changes would be economical to users.
- Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the "previously added claims" avoid such references or objections.
- Examiner suggestions: Applicant should narrow down the claim languages of claim 1, in order to read explicitly. For example: "a first device" and "a second device" are the claim languages of claim 1, which do not consider a particular device. Another example from the same claim: "a first overlay" and "a second overlay" consider broad range of images.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7-18, 20-21 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson.

1. Claim 5.

“A method for developing a request for proposal and a responding proposal, comprising: generating at a first device a first overlay representing the request for proposal, the first overlay including references to a first database for text segments associated with selected elements; sending the first overlay to a second device; and receiving at the first device a second overlay from the second device, the second overlay representing the responding proposal to the request for proposal, the second overlay comprising a modified version of the first overlay”, examiner assumes that a request for proposal (RFP) is a proposal for bids that indicates the specifications for a particular task or other system needs (another words may be selling services or products). Johnson teaches in Fig. 10 a block diagram a detailed depiction of the elements in a preferred report generator, this part can be assumed as a first overlay. Johnson teaches in Fig. 11 a block diagram showing a detailed depiction of the elements in a preferred selection device, meaning this is the next device (second device) that provides more detailed information to first overlay, and can be called second overlay. And also second overlay is the modified version of first

overlay. Johnson illustrates in Figs. 17-42 the connectivity of a user, databases, and devices.

Johnson does not disclose expressly the “request for proposal”, but teaches the “proposal”; Since Johnson’ invention provides further advantages by allowing easy change of options. For example, if a particular type of computer component is no longer available for a particular computer, or renaming a particular template (quotation form to RFP form), a user may simpler change the stored picture or name for that component. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to customized, the name of particular form to a different name. The effect of mentioned changes would be economical to users.

2. Claim 7.

“ The method of claim 5, wherein the generating the first overlay comprises: receiving a selection for at least a first element from a first set of elements; receiving at least one performance/prescriptive value for the first element; and storing a first representation for the first element and the corresponding performance/prescriptive value in electronic form”, Johnson illustrates in Fig. 1A, that shows conceptually a database that electronically stores a plurality of pictures. The pictures may include environment pictures, product pictures, and pictures for various parts. A textual descriptions database may store a plurality of text segments that correspond to various pictures in the picture database.

3. Claim 8.

“The method of claim 7, wherein the generating the first overlay further comprises: receiving a document function indication of request for proposal; and associating text segment references with text segments that use the imperative mood appropriate for the request for proposal”, Johnson illustrates in Fig. 17.

4. Claim 9.

“The method of claim 7, further comprising: receiving the first overlay at the second device; generating the second overlay using the first overlay; and sending the second overlay to the first device”, Johnson illustrates in Fig. 18.

5. Claim 10.

“The method of claim 9, wherein the generating the second overlay comprises: retrieving from a database the first element and the corresponding performance/prescriptive value based on the first overlay; receiving a selection for at least one second element from a second set of elements, the second element comprising a subset of the first element and in accordance with the first element's performance/prescriptive value; and storing a second representation for said second element with the first representation in electronic form”, Johnson illustrates in Fig. 18.

6. Claim 11.

“The method of claim 10, wherein the database is the first database”, the database can be called any name, therefore the step is obvious.

7. Claim 12.

“The method of claim 10, wherein the database is a second database”, the database can be called any name, therefore the step is obvious.

8. Claim 13.

“The method of claim 10, wherein the generating the second overlay further comprises: receiving a document function indication of proposal; and associating text segment references with text segments that use the indicative mood appropriate for the responding proposal”, Johnson illustrates in Fig. 17.

9. Claim 14.

“A method for developing a request for proposal and a responding proposal, comprising: generating at a first device a first overlay representing the request for proposal, the first overlay including references to a database for text segments associated with selected elements, the generating including receiving an indication of document function; and associating the appropriate grammatical mood with at least one referenced text segment based on the indicated document function; sending the first overlay to a second device; and receiving at the first device a second overlay from the second device, the second overlay representing the responding proposal to the request for proposal, the second overlay comprising a modified version of the first overlay”, examiner assumes that a request for proposal (RFP) is a proposal for bids that indicates the specifications for a particular task or other system needs (another words may be selling services or products). Johnson teaches in Fig. 10 a block diagram a detailed depiction of the elements in a preferred report generator, this part can be assumed as a first overlay. Johnson teaches in Fig. 11 a block diagram showing a detailed depiction of the elements in a preferred selection device, meaning this is the next device (second device) that provides more detailed information to first overlay, and can be called second overlay. And also second overlay is the modified version of first overlay. Johnson illustrates in Figs. 17-42 the connectivity of a user, databases, and devices. Since Johnson’ invention provides further advantages by allowing easy change of options. For example, if a particular type of computer component is no longer available for a particular computer, or renaming a particular template (quotation form to RFP form), a user may simpler change the stored picture or name for that component. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to

customized, the name of particular form to a different name. The effect of mentioned changes would be economical to users.

10. Claim 15.

"The method of claim 14, wherein the generating the first overlay comprises: receiving the document function indication of request for proposal by an owner to a design-builder; and associating text segment references with text segments that use the imperative mood appropriate for the request for proposal by an owner to a design-builder", Johnson illustrates in Figs. 12 and 17.

11. Claim 16.

"The method of claim 15, wherein the text segment references are associated with text segments prefaced with language similar in mood and style to the phrase "Design and select materials to provide..."", Johnson teaches in (cols. 5-6, lines 66-67 and 1-4) the system uses the, stored pictures in the picture database as building blocks for filling in the template. The system establishes a customer profile based on the customer's answers to queries. The system then uses the profile to "build" the empty frames, such as picture 61, in template 60. But Johnson does not explicitly specify the phrase "Design and select materials to provide...", however the phrase can be inputted to customize data step 330 and language data step 394 Fig. 6

12. Claim 17.

"The method of claim 14, wherein the generating the first overlay comprises: receiving the document function indication of request for proposal by a design-builder to a sub-contractor; and associating text segment references with text segments that use the imperative mood appropriate for the request for proposal by a design-builder to a sub-contractor", Johnson teaches in (cols. 5-

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6, lines 66-67 and 1-4) the system uses the, stored pictures in the picture database as building blocks for filling in the template. The system establishes a customer profile based on the customer's answers to queries. The system then uses the profile to "build" the empty frames, such as picture 61, in template 60. But Johnson does not explicitly specify a design-builder to a sub-contractor, however the user interface step 102 in Fig. 2 can be considered as a builder or main/sub-contractor.

13. Claim 18.

"The method of claim 17, wherein the text segment references are associated with text segments prefaced with language similar in mood and style to the phrase "Provide..."", Johnson teaches in (cols. 5-6, lines 66-67 and 1-4) the system uses the, stored pictures in the picture database as building blocks for filling in the template. The system establishes a customer profile based on the customer's answers to queries. The system then uses the profile to "build" the empty frames, such as picture 61, in template 60. But Johnson does not explicitly specify the phrase "provide...", however the phrase can be inputted to customize data step 330 and language data step 394 Fig. 6

14. Claim 20.

"The method of claim 19, wherein the generating the second overlay comprises: receiving a document function indication of proposal; and associating text segment references with text segments that use the indicative mood appropriate for the responding proposal", Johnson illustrates in Fig. 17.

15. Claim 21.

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“The method of claim 20, wherein the proposal is by a design-builder to an owner”, Johnson does not explicitly specify a design-builder to an owner, however the user interface step 102 in Fig. 2 can be considered as a builder or an owner.

16. Claim 23.

“The method of claim 20, wherein the text segment references are associated with text segments prefaced with language similar in mood and style to the phrase "Construction will provide...". Johnson teaches in (cols. 5-6, lines 66-67 and 1-4) the system uses the, stored pictures in the picture database as building blocks for filling in the template. The system establishes a customer profile based on the customer's answers to queries. The system then uses the profile to "build" the empty frames, such as picture 61, in template 60. But Johnson does not explicitly specify the phrase “Construction will provide.”, however the phrase can be inputted to customize data step 330 and language data step 394 Fig. 6

17. Claims 6, 19, and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, and further in view of Oba.

18. Claim 6.

“The method of claim 5, further comprising: retrieving from the first database a first set of data corresponding to the first overlay and a second set of data corresponding to the second overlay; and displaying the responding proposal based on the first and second sets of data”, Johnson illustrates in Figs. 11 and 18, but does not explicitly specify displaying the responding proposal, however, Oba et al. teaches in (col. 4, lines 17-19) that displays the responding document (proposal) based on the inputted contents.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oba into Johnson in order to describe/change easily the definition of various kinds of information occurring in course of planning. Therefore, to advantage, the behavior of the system in course of planning can be understood easily without preparing dedicated programs.

19. Claim 19.

“The method of claim 14, further comprising: receiving the first overlay at the second device; generating the second overlay using the first overlay, the generating including receiving an indication of document function; and associating the appropriate grammatical mood with at least one referenced text segment based on the indicated document function; and sending the second overlay to the first device”, Johnson does not explicitly specify the appropriate grammatical mood, however Oba teaches in (col. 9, lines 1-55) the wording analysis and sentence structure analysis. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oba into Johnson in order to describe/change easily the definition of various kinds of information occurring in course of planning. Therefore, to advantage, the behavior of the system in course of planning can be understood easily without preparing dedicated programs.

20. Claim 22.

“The method of claim 20, wherein the proposal is by a sub-contractor to a design-builder”, Johnson does not explicitly specify a design-builder to a sub-contractor, however the user interface step 102 in Fig. 2 can be considered as a builder or main/sub-contractor. And also

Examiner assumes that the response from second device (sub-contractor) to the first device (a design-builder), see rejection of claim 19.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

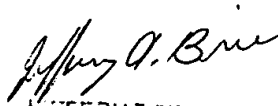
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-746-8705.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Javid A Amini
Examiner
Art Unit 2672

Javid Amini


JEFFERY BRIEN
PRIMARY EXAMINER